

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GOCLEAR LLC, a California limited liability company

(b) County of Residence of First Listed Plaintiff San Francisco
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

James L. Day, Esq.
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
415-391-0600

DEFENDANTS

TARGET CORPORATION, a Minnesota corporation

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs.	<input checked="" type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	PRISONER PETITIONS	LABOR	<input type="checkbox"/> 862 Black Lung (923) (405(g))	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motion to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 720 Labor/Mgmt. Relations Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 891 Agricultural Acts
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition			<input type="checkbox"/> 894 Energy Allocation Act
REAL PROPERTY					<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 220 Foreclosure					<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 230 Rent Lease & Ejectment					
<input type="checkbox"/> 240 Torts to Land					
<input type="checkbox"/> 245 Tort Product Liability					
<input type="checkbox"/> 290 All Other Real Property					

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. sections 1114, 1125

Brief description of cause: trademark infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER F.R.C.P. 23

☐ CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____

DOCKET NUMBER _____

DATE April 24, 2008 SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

COPY

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E-filing

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JCS

GOCLEAR LLC, a California limited
 liability company,

Plaintiff,

v.

TARGET CORPORATION, a Minnesota
 corporation,

Defendant.

CASE NO. CV 08

2134

**COMPLAINT FOR INFRINGEMENT OF A
 FEDERALLY REGISTERED TRADEMARK;
 TRADEMARK INFRINGEMENT AND
 UNFAIR COMPETITION; AND VIOLATION
 OF CALIFORNIA'S UNFAIR COMPETITION
 LAW**

DEMAND FOR JURY TRIAL

Plaintiff GoClear LLC ("GoClear"), by and for its complaint against defendant
 Target Corporation ("Target"), alleges as follows:

SUMMARY OF ACTION

1. GoClear owns trademark rights to the marks CLEARX and THE CLEAR
 PRESCRIPTION, which have both been registered by the United States Patent and Trademark
 Office. GoClear has constructive priority in these registered marks as of late 2004, based on the
 filings of Intent to Use ("ITU") trademark applications at that time. On information and belief,
 Target learned of the applications and the resulting constructive priority dates that would exist
 once the applications matured into registrations shortly thereafter through its wholly owned

1 subsidiary Target Brands, Inc. Nevertheless, in 2005, Target adopted the confusingly similar
2 mark CLEARRX (which may be read as "Clear Rx" or "Clear Prescription" among others) and
3 used it to brand retail pharmacy services and newly designed medication bottles and labels
4 offered in Target stores across the country. Now that the CLEARX and THE CLEAR
5 PRESCRIPTION trademarks have been registered by the U.S. Patent and Trademark Office,
6 Target's continued use of the CLEARRX mark constitutes infringement of GoClear's prior
7 trademark rights and unfair competition under both federal and state law. Through this action,
8 GoClear seeks injunctive relief to end Target's improper use of the CLEARRX mark and an
9 award of all monetary relief available as a result of Target's improper use through and until the
10 date the injunction is imposed.

11 THE PARTIES

12 2. Plaintiff GoClear, is a California limited liability company, with its
13 principal business address in San Francisco, California.

14 3. On information and belief, defendant Target is a Minnesota corporation
15 with its principle executive offices in Minneapolis, Minnesota.

16 JURISDICTION AND VENUE

17 4. The Court has subject matter jurisdiction over the asserted federal
18 trademark infringement claims under 28 U.S.C. §§ 1331 (federal question jurisdiction) and 1338
19 (original and exclusive jurisdiction over trademark actions as well as unfair competition claims
20 joined with a substantial and related claim under the trademark laws), and over the remaining
21 asserted claims under 28 U.S.C. §§ 1338(b) and 1367(a) (state law claims arising out of the same
22 operative facts as the federal claims).

23 5. This Court has personal jurisdiction over Target because it conducts
24 business in California, including in this judicial district, and because it committed the wrongs
25 complained of herein in California, including in this judicial district, as well as elsewhere
26 throughout the United States.

27 6. Venue in this district is proper under 28 U.S.C. § 1391(b), given that a
28 substantial part of the events giving rise to this action occurred in this district. Among other

1 things, Target advertises under the infringing mark and uses it in connection with retail
2 pharmacy services and products that it sells within this judicial district.

3 **BACKGROUND FACTS**

4 7. GoClear develops, markets, and sells skin care and beauty products.
5 GoClear has developed and sells skin care products to the public in connection with the
6 trademarks CLEARX and THE CLEAR PRESCRIPTION. These products address common
7 skin conditions, including acne and blemishes, fine lines and wrinkles, hyperpigmentation, and
8 photo-aging. GoClear offers its products for sale through third-party retailers and through its
9 internet website www.goclear.com.

10 8. GoClear was established by Alan R. Gottlieb, MD, MPH. Dr. Gottlieb has
11 been a practicing physician for 30 years, was trained and board-certified in Family Practice, and
12 is board-certified in Emergency Medicine.

13 9. In 2004, Dr. Gottlieb decided to develop a new line of skin care products
14 to address deficiencies he identified in then-available cosmetic and over-the-counter skin care
15 products.

16 10. Dr. Gottlieb identified several marks that he intended to use in marketing
17 his new line of products and filed several ITU trademark applications with the U.S. Patent and
18 Trademark Office based on such an intention. Among others, Dr. Gottlieb filed an ITU
19 trademark applications for the mark CLEARX on November 15, 2004 (App. No. 76978714) and
20 the mark THE CLEAR PRESCRIPTION on December 29, 2004 (App. No. 76978713).

21 11. With the filing of these applications, Dr. Gottlieb made claim to
22 constructive priority for the CLEARX and THE CLEAR PRESCRIPTION marks as of
23 November 15, 2004 and December 29, 2004, respectively. Such constructive priority arises as a
24 matter of law when the ITU trademark applications mature into trademark registrations.

25 12. From 2005 through early 2007, Dr. Gottlieb developed the formulation for
26 his skin care products and, in 2006, established GoClear to commercialize those products. He
27 licensed the marks covered by the ITU trademark applications to GoClear that same year.

28 13. GoClear introduced the first product in the skin care line under the

1 CLEARX and THE CLEAR PRESCRIPTION trademarks in June 2007.

2 14. Dr. Gottlieb filed Statements of Use with the U.S. Patent and Trademark
3 Office in September 2007 for both marks. The CLEARX trademark (Reg. No. 3,414,941) and
4 THE CLEAR PRESCRIPTION trademark (Reg. No. 3,414,940) were both registered on April
5 22, 2008. Copies of the registration certificates are attached hereto as Exhibits A and B,
6 respectively.

7 15. On April 23, 2008, Dr. Gottlieb assigned the CLEARX and THE CLEAR
8 PRESCRIPTION trademarks to GoClear. Thus, GoClear owns all rights to these two federally
9 registered trademarks.

10 16. The federal registration of these trademarks constitutes prima facie
11 evidence that they are valid and that the owner, GoClear, is entitled to exclusive use of them in
12 commerce, throughout the United States, for pharmaceutical-grade skin care products.
13 Moreover, priority in these trademarks is based on their ITU trademark application filing dates
14 (*i.e.*, November 15, 2004 for CLEARX and December 29, 2004 for THE CLEAR
15 PRESCRIPTION).

16 17. On information and belief, Target learned of Dr. Gottlieb's trademark
17 application and his intent to use the CLEARX mark in commerce no later than December 2004.
18 On information and belief, Target also learned of the application for THE CLEAR
19 PRESCRIPTION mark within several months of its filing.

20 18. Target knew, or reasonably should have known, that the ITU trademark
21 applications filed by Dr. Gottlieb in late 2004 would establish constructive priority in those
22 marks upon the registration of those marks. Target also knew, or reasonably should have known,
23 that any use of a confusingly similar mark by Target would constitute trademark infringement
24 following the registration of the CLEARX and THE CLEAR PRESCRIPTIONS marks.

25 19. Nevertheless, Target subsequently adopted and began using the
26 CLEARRX mark in connection with its pharmacy services and products, specifically including
27 new "ClearRx bottles" and "ClearRx labels." Indeed, Target filed an ITU trademark application
28 in early 2005 for CLEARRX in International Classes 016, 021, and 035 for "Paper labels,"

1 “Bottles for pharmaceuticals,” and “Retail pharmacy services,” respectively. The U.S. Patent
2 and Trademark Office issued an initial rejection of Target’s application based on Dr. Gottlieb’s
3 earlier-filed applications. The examining trademark attorney determined that there “may be a
4 likelihood of confusion” under federal trademark law between Target’s CLEARRX mark and
5 Dr. Gottlieb’s CLEARX and THE CLEAR PRESCRIPTION marks. The Target application was
6 subsequently suspended. It remains suspended.

7 20. In addition to the ITU application leading to the federally registered
8 CLEARX trademark, Dr. Gottlieb filed another ITU application in early 2005 for the use of
9 CLEARX in connection with retail store services related to pharmaceutical-grade skin care
10 preparations, among other things. In response, Target, through its subsidiary, filed an opposition
11 to that later-filed application arguing that the claimed CLEARX mark is likely to cause
12 confusion with Target’s CLEARRX mark. In other words, Target effectively conceded that
13 CLEARRX and CLEARX are confusingly similar marks.

14 21. Indeed, the CLEARRX mark used by Target is confusingly similar to
15 GoClear’s federally registered CLEARX and THE CLEAR PRESCRIPTION trademarks.
16 Consumer confusion between Target’s and GoClear’s marks is likely because, among other
17 things, the retail channels are the same or substantially overlap, the classes of purchasers are the
18 same, and retail pharmacy services are closely related to retail pharmacy products. Target has
19 stated publicly that its CLEARRX retail pharmacy services and products were designed
20 specifically to avoid consumer confusion. Yet Target adopted a mark that is likely to lead to
21 confusion, and it did so despite the earlier CLEARX and THE CLEAR PRESCRIPTION
22 trademark applications and the constructive priority that those marks would enjoy once
23 registered.

24 **FIRST CAUSE OF ACTION**

25 **(Trademark Infringement Under 15 U.S.C. § 1114)**

26 22. The allegations of paragraphs 1 through 21 are incorporated herein by
27 reference.

28 23. Plaintiff GoClear is the sole and exclusive owner of the CLEARX

1 trademark (Reg. No. 3,414,941) and THE CLEAR PRESCRIPTION trademark
2 (Reg. No. 3,414,940).

3 24. Target's continued use in commerce of the CLEARRX mark in connection
4 with the sale, offering for sale, distribution, and advertising of Target's goods and services is
5 likely to cause confusion, mistake, or deception among consumers.

6 25. As a result, Target's use constitutes trademark infringement in violation of
7 Section 32 of the Lanham Act, 15 U.S.C. § 1114. Based on its knowledge of the ITU
8 applications at issue, among other things, Target's acts of infringement are willful and deliberate.

9 26. Target's continued infringing conduct will cause GoClear damages in an
10 amount to be proven at trial. Additionally, Target's infringing conduct has caused, and will
11 continue to cause, irreparable harm to GoClear for which there is no adequate and complete
12 remedy at law. Accordingly, GoClear is entitled to a preliminary and permanent injunction
13 preventing Target from continuing its infringing activities.

14 **SECOND CAUSE OF ACTION**

15 **(Trademark Infringement and Unfair Competition Under 15 U.S.C § 1125(a))**

16 27. The allegations of paragraphs 22 through 26 are incorporated herein by
17 reference.

18 28. Target's continued use in commerce of the term CLEARRX is likely to
19 cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association
20 of Target with GoClear, or as to the origin, sponsorship, or approval of goods and services or
21 commercial activities by Target.

22 29. As a result, Target's activities constitute willful and deliberate
23 infringement of GoClear's trademarks in violation of Section 43(a) of the Lanham Act,
24 15 U.S.C. § 1125(a).

25 30. Target's continued infringing conduct will cause GoClear damages in an
26 amount to be proven at trial. Additionally, Target's infringing conduct has caused, and will
27 continue to cause, irreparable harm to GoClear for which there is no adequate and complete
28 remedy at law. Accordingly, GoClear is entitled to a preliminary and permanent injunction

1 preventing Target from continuing its infringing activities.

2 **THIRD CAUSE OF ACTION**

3 **(Unfair Competition Under California Bus. & Prof. Code § 17200, *et seq.*)**

4 31. The allegations of paragraphs 27 through 30 are incorporated herein by
5 reference.

6 32. By engaging in the conduct alleged herein, defendant Target has engaged,
7 and is continuing to engage, in business practices that are unlawful, unfair, or fraudulent, in
8 violation of California's Unfair Competition Law, Business & Professions Code §§ 17200, *et*
9 *seq.* Among other things, Target's use of the mark CLEARRX violates Sections 32 and 43(a) of
10 the Lanham Act and is likely to lead to confusion of California consumers.

11 33. Target's continued infringing conduct will cause GoClear damages in an
12 amount to be proven at trial. Additionally, Target's infringing conduct has caused, and will
13 continue to cause, irreparable harm to GoClear for which there is no adequate and complete
14 remedy at law. Accordingly, GoClear is entitled to a preliminary and permanent injunction
15 preventing Target from continuing its improper activities.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, plaintiff GoClear prays for judgment as follows against defendant
18 Target:

19 1. For a preliminary and permanent injunction restraining and enjoining
20 Target, its agents, employees, attorneys, servants, subsidiaries, successors, assigns,
21 representatives, and any persons or entities in active concert or participation with Target, from:

22 a. advertising, selling, or distributing any products in connection with the
23 CLEARRX mark; or

24 b. using in any manner in connection with the sale of products, services, or
25 any associated activities, the CLEARRX mark or any marks, words, or names, similar to the
26 CLEARX or THE CLEAR PRESCRIPTION registered trademarks, that are likely to cause
27 confusion, mistake, or to deceive;

28 2. For a permanent injunction requiring seizure and destruction of all

1 infringing marketing and advertising materials, as well as requiring Target to publish notice to all
2 persons who may have been confused, misled, or deceived by its misconduct;

3 3. For a permanent injunction ordering Target, its agents, employees,
4 attorneys, servants, subsidiaries, successors, assigns, representatives, and any persons or entities
5 in active concert or participation with Target to withdraw all applications pending with the U.S.
6 Patent and Trademark Office for the mark CLEARRX and any other marks, similar to the
7 CLEARX or THE CLEAR PRESCRIPTION registered trademarks, that are likely to cause
8 confusion, mistake, or to deceive;

9 4. For a permanent injunction ordering Target, its agents, employees,
10 attorneys, servants, subsidiaries, successors, assigns, representatives, and any persons or entities
11 in active concert or participation with Target from using any internet domain names registered to
12 them that include the nomenclature CLEARX, CLEARRX, or any words, marks, or names,
13 similar to the CLEARX or THE CLEAR PRESCRIPTION registered trademarks, that are likely
14 to cause confusion, mistake, or to deceive;

15 5. For general, special, actual, and statutory damages in an amount to be
16 determined at trial, including though not limited to any lost profits, the cost of corrective
17 advertising, and a reasonable royalty;

18 6. For treble damages;

19 7. For an accounting of revenues and profits Target derived from it
20 misconduct by which it was unjustly enriched;

21 8. For restitution and disgorgement of said profits;

22 9. For costs of suit including attorney fees incurred as a result of this action;

23 10. For prejudgment interest on any award; and

24 11. For such other relief as the Court deems just and proper.

25 Dated: April 24, 2008

LATHAM & WATKINS LLP

26
27 By: 

James L. Day
Attorneys for Plaintiff
GOCLEAR LLC

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(a) of the Federal Rules of Civil Procedure, plaintiff GoClear LLC
demands a trial by jury in this action.

Dated: April 24, 2008

LATHAM & WATKINS LLP


By: 
James L. Day
Attorneys for Plaintiff
GOCLEAR LLC

EXHIBIT A

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,414,941

Registered Apr. 22, 2008

**TRADEMARK
PRINCIPAL REGISTER**

CLEARX

GOTTLIEB, ALAN RUSS (UNITED STATES IN-
DIVIDUAL)
45 SANDERS RANCH ROAD
MORAGA, CA 94556

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: PHARMACEUTICAL GRADE SKIN CARE
PREPARATION, NAMELY, MEDICATED SKIN LO-
TION FOR TREATMENT OF ACNE, IN CLASS 5
(U.S. CLS. 6, 18, 44, 46, 51 AND 52).

SN 76-978,714, FILED 11-15-2004.

FIRST USE 6-11-2007; IN COMMERCE 6-27-2007.

YONG KIM, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,414,940

Registered Apr. 22, 2008

**TRADEMARK
PRINCIPAL REGISTER**

THE CLEAR PRESCRIPTION

GOTTLIEB, ALAN RUSS (UNITED STATES INDIVIDUAL)

45 SANDERS RANCH ROAD

MORAGA, CA 94556

FOR: PHARMACEUTICAL GRADE SKIN CARE PREPARATION, NAMELY, MEDICATED SKIN LOTION FOR TREATMENT OF ACNE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-11-2007; IN COMMERCE 6-27-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PRESCRIPTION" AS TO THE CLASS 5 GOODS, APART FROM THE MARK AS SHOWN.

SN 76-978,713, FILED 12-29-2004.

YONG KIM, EXAMINING ATTORNEY

COPY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

GOCLEAR LLC, a California limited liability
company,

Plaintiff,

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

TARGET CORPORATION, a Minnesota corporation,

Defendant.

CV 08

JCS
2134

TO: (Name and address of defendant)

TARGET CORPORATION, 1000 NICOLLET MALL TPN-0945, MINNEAPOLIS, MN 55403

Agent for Service of Process:
C T CORPORATION SYSTEM
818 WEST SEVENTH ST
LOS ANGELES, CA 90017**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)James L. Day, Esq.
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Telephone: 415-391-0600
Facsimile: 415-395-8095

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

APR 24 2008

Richard W. Wieking
CLERK

DATE _____

Helen L. Almacen

(BY) DEPUTY CLERK